

July 7, 2003

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

1. Item Page -2003 (Comm. 13E-21)

COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Rehabilitation (Multi Course Overlay) of North French Road (CR 299) from Sweet Home Road (CR 301) to NY Route 78, Transit Road, in the Town of Amherst, Erie County, PIN 5755.82 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-V1) Phase of the Project, PIN 5755.82.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-V1) Phase of the project or portions thereof, and be it further

RESOLVED, that a sum of \$88,000 is hereby appropriated from the 2001 Federal Aid Road & Bridge Projects Program (SFG 420-210) and made available to cover the cost of participation in the above phase of the project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-V1) Phase exceeds the amount appropriated above \$88,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-V1) Phase exceeds \$438,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and

permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

2. Item Page -2003 (Comm. 13E-22)

COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Reconstruction of Maple Road, CR 192, from US Rte 62, Niagara Falls Boulevard to Flint Road in the Town of Amherst, Erie County, PIN 5755.47 (the "Project") is eligible for funding under Title 23, U.S. Code as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of non-Federal share of the costs the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project, PIN 5755.47.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) Phase of the project or portions thereof, and be it further

RESOLVED, that the sum of \$302,000 is hereby appropriated from the 2001 Federal Aid Road & Bridge Projects Program (SFG 420-208) and made available to cover the cost of participation in the above phase of the project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) Phase exceeds the amount appropriated above \$302,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) Phase exceeds \$1,509,000, the County of Erie shall convene its Legislature as soon as

possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, one copy to the Commissioner of Public Works, and one copy to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

3. Item Page -2003 (Comm. 13E-23)

COUNTY EXECUTIVE

WHEREAS, a project for the replacement of the Zoeller Road Bridge (BR 348-2) over Ellicott Creek, BIN 3-32870-0, in the Town of Alden, Erie County, PIN 5755.91 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the Project, PIN 5755.91.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature hereby approves the above subject project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$190,000 is hereby appropriated from the 2002 Federal Aid Road and Bridge Projects Program (SFG 420-329), in addition to \$288,000 previously appropriated for the project's of Preliminary Engineering (Scoping and Design I-VI) and Right of Way

Incidentals Phases via County Resolution No. 14E-20 (H) adopted July 6, 2000 and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project’s Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated \$ 478,000 and/or 100% of the full Federal and non-Federal shares of the cost of the project’s Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds \$1,226,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality’s first instance funding of Project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

4. Item Page -2003 (Comm. 13E-26)
COUNTY EXECUTIVE

WHEREAS, the Dunn Tire Park lease agreement between the Buffalo Bisons and Erie County designates the County as being responsible for capital improvement projects in the amount of \$1 million per year, over a five-year period, for a total of \$5 million, and

WHEREAS, your Honorable Body previously approved two \$1,000,000 projects for Dunn Tire Park Renovations for a total of \$2,000,000, and

WHEREAS, work at Dunn Tire Park this year consists of club level renovations, new picnic style bleacher entertainment areas, right field modifications, building sealant replacement and painting of the building exterior and concourse areas, and

WHEREAS, the Lease Agreement designates HOK, Sports Consultants, the Architect of record, and

WHEREAS, your Honorable Body previously authorized the County Executive to enter into an agreement with HOK, Sport Consultants on April 10, 2003, and

WHEREAS, the Department of Public Works received bids on June 16, 2003 for the Dunn Tire Park – 2003 – Sealant Replacement, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Dunn Tire Park – 2003 – Sealant Replacement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Dunn Tire Park – 2003 – Sealant Replacement as follows:

SEALANT WORK

Progressive Weatherproofing, Inc.

Base Bid	\$675,000
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and be it further,

RESOLVED, that the sum of \$68,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to HOK, Sports Consultants for the Phase II and Phase III work in an amount not to exceed \$328,700, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2002 Dunn Tire Park account, Fund 441, Project 272, in the total amount, not to exceed \$328,700, and Fund 441, Project 381 not to exceed \$743,000, and be it further,

RESOLVED, that the 2003 Capital Budget is hereby amended by \$3,000,000 and funded by proceeds from the Tobacco Trust Account, and be it further,

RESOLVED, that the budgeted revenues and appropriations in the Dunn Tire Park Renovations Project (SFG #441-381) be proportionately increased to reflect this change, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 13E-33)

COUNTY EXECUTIVE

WHEREAS, your Honorable Body approved the 2003 Capital Budget for various projects, and

WHEREAS, your Honorable Body recently approved the bond authorization for the 2003 Budget, and

WHEREAS, your Honorable Body will soon be on summer recess and not available to approve resolutions, and

WHEREAS, your Honorable Body previously approved various Engineering firms for Engineering agreements to be issued on a project-by-project basis, and

WHEREAS, in order to permit a more timely execution of the 2003 Capital Program, your Honorable Body previously allowed the Commissioner of Public Works to assign various consultants to these projects and negotiate a not-to-exceed fees for necessary engineering services, and

WHEREAS, the majority of these projects will be bid and ready for award of construction contracts to various responsible low bidders in the next few months, and

WHEREAS, your Honorable Body will be on summer recess during the period when it will be necessary to award this work to complete projects this construction season, and

WHEREAS, funds for these projects will be taken from the appropriate Capital Bond Fund Accounts pending all necessary SEQR approvals and bond authorization of these funds and from the \$30,000,000 in tobacco proceeds previously identified in the 2003 Erie County Executive's Budget Message and Summary (of which \$18 million remains unallocated).

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to recommend construction contracts to the County Executive and thereafter to enter into agreements and contracts as necessary to advance the 2003 Program within the approved budget funding limits established, and be it further

RESOLVED, that the Commissioner of Public Works will inform the Erie County Legislature, for information only, as to what consultant and/or contractor was selected for each project and the cost associated with the particular project, and be it further

RESOLVED, that the funds be taken from the appropriate capital bond accounts pending necessary SEQR approvals and bond authorization and from the tobacco proceeds previously identified in the 2003 Erie County Executive's Budget Message and Summary, and be it further

RESOLVED, that three certified copies of this resolution be sent to the Deputy Commissioner - Highways, Department of Public Works and one copy each to the Commissioner of Public Works, the Comptroller's Office; and to the Division of Budget, Management & Finance. (6-0) Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 13E-34)
COUNTY EXECUTIVE

WHEREAS, it is important that the 2003 Program continues to advance in an expeditious manner, and

WHEREAS, the approved Erie County Budget contains funds for the 2003 Culvert Design – Various Locations (Countywide) which was also just recently approved in a bond authorization resolution, and

WHEREAS, in order to advance this work, we will need to assign the design work to an engineering consultant, and

WHEREAS, the engineering consultant firm of Nussbaumer and Clarke has the necessary expertise to perform this work.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized and is hereby directed to execute a contract in an amount not to exceed \$300,000.00 (SFG 420-353) for Culvert Design and miscellaneous other work, between the County of Erie and the firm of Nussbaumer and Clarke, and be it further

RESOLVED, that the funding for this work be from the 2003 Culvert Design bond account (SFG 420-353), and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy each to the Commissioner of Public Works, the County Attorney, and to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

7. Item Page -2003 (Comm. 13E-39)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works has determined a need for implementation of electronic construction bid documents, and

WHEREAS, the Department of Public Works has identified three strong reasons for migrating all bid documents to electronic formats where CD ROMs and websites become the distribution medium: 1.) Bidding that is more competitive brought about by wider distribution of bidding opportunity; 2.) Faster distribution of bid documents and addenda; and 3.) Savings in printing and mailing costs, and

WHEREAS, the Commissioner of Public Works has determined to facilitate all construction bidding with electronic construction bid documents, electronic construction bid documents will be available online and/or on CD ROM, to implement this important project, Erie County is prepared to retain a Consultant to provide Project Management and Facilitation Services, and

WHEREAS, the Department of Public Works recently advertised for Requests for Qualifications for the purpose of providing electronic construction bid documents for numerous projects selecting the firm of ACEN, Inc. as having the necessary expertise, experience and manpower to provide the County of Erie with the services required,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with ACEN, Inc. to provide implementation services for miscellaneous construction projects, and be it further,

RESOLVED, that the cost for the implementation be charged to the Architect/Engineer Consultants reimbursables on a project-by-project basis, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Comptroller's Office; and one copy to the Division of Budget Management & Finance.

(6-0) Chairman Swanick present as Ex-Officio Member.

8. Item Page -2003 (Comm. 13E-40)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Chestnut Ridge Waterline, Phase II, Project on June 21, 1999, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Fairway Construction Co., in the amount of \$234,999.00, and

WHEREAS, unforeseen replacement to various septic systems in the Erie County Parks are necessary,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$70,000, with authorization for the Commissioner of Public Works to approve change orders, not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Donald Gallo, P.E. for additional design and construction site inspections for an amount not to exceed \$22,000, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Project 293, Fund 410, in the amount of \$92,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Department of Parks & Recreation; one copy to the Office of the Comptroller; and one copy to the Division of Budget Management & Finance. (6-0) Chairman Swanick present as Ex-Officio Member.

9. Item Page -2003 (Comm. 13E-41)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 10, 2003 for the New School 84 Roof Renovations, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for New School 84 Roof Renovations as follows:

ROOFING WORK

Jameson Roofing

Base Bid	\$333,970.00
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Alternate Bid #1	<u>\$ 20,260.00</u>
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Total	\$354,230.00
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and be it further,

RESOLVED, that the sum of \$30,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment from the following: Project 296, Fund 410 in the amount of \$386,230 (FEMA money was added to this SFG project), and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

10. Item Page -2003 (Comm. 13E-42)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 11, 2003, for the Buffalo & Erie County Central Library – Fire Protection and Domestic Water Service, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Buffalo & Erie County Central Library – Fire Protection and Domestic Water Service as follows:

FIRE PROTECTION WORK

Davis-Ulmer Sprinkler Co., Inc.

Base Bid	\$122,800.00
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and be it further,

RESOLVED, that the sum of \$20,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$8,000.00 be allocated for testing and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment from Project 326, Fund 490, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Buffalo & Erie County Public Library.

(6-0) Chairman Swanick present as Ex-Officio Member.

11. Item Page -2003 (Comm. 13E-43)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 10, 2003, for the Roof & Masonry Restoration at the Clarence Maintenance Garage, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Roof and Masonry Restoration at the Clarence Maintenance Garage as follows:

ROOFING WORK

MGR Constructors, Inc.

Base Bid	\$184,400.00
Alternate Bid #1	\$ 29,100.00
Alternate Bid #2	<u>\$ 8,500.00</u>
Total	\$222,000.00

and be it further,

RESOLVED, that the sum of \$25,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the sum of \$30,000 be allocated for additional Architectural/Engineering Services to Stievater & Associates for 2003 Roof & Waterproofing Services, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following: 2003 Roofing, Project 399, Fund 410 in the amount of \$210,000 and Project 290, Fund 410, in the amount of \$69,000, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

12. Item Page -2003 (Comm. 13E-45)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 19, 2003 for the Erie Community College, Vehicle Technology Building Roof Replacement project, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with for the Erie Community College, South Campus, Vehicle Technology Building Roof Replacement project as follows:

ROOFING CONTRACT

Jameson Roofing Co., Inc.

Base Bid	\$225,800.00
Alternate Bid R1	\$ 15,100.00
Alternate Bid R2	\$ 12,400.00
Alternate Bid R3	\$ 670.00
Total	\$253,970.00

and be it further,

RESOLVED, that the sum of \$30,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$30,000 be allocated for technical construction inspections for the above mentioned project, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payments from Project 399, Fund 410, in the amount of \$313,970, and be it further,

RESOLVED, that the project estimated revenues and appropriations for State Aid be increased by \$156,985, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to Erie Community College.

(6-0) Chairman Swanick present as Ex-Officio Member.

13. Item Page -2003 (Comm. 13E-46)

COUNTY EXECUTIVE

WHEREAS, the 2003 capital budget contains funding for Erie County Parks & Recreation Master Plan Improvements, and

WHEREAS, the firm of Caley & Co. Architects is already engaged by the Department of Public Works under an Architect/Engineer contract, and

WHEREAS, on May 24, 2001, your Honorable Body authorized the County Executive to enter into a General Architectural/Engineering Contract covering services for miscellaneous County projects with Caley & Co. Architects, and

WHEREAS, it is now also desired to start design of 2003 renovations so this project can be bid in 2003,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Caley & Co. Architects to prepare contract documents and provide inspection services for the Erie County Parks & Recreation improvements, and be it further,

RESOLVED, that the total amount paid for consulting services shall be in an amount, not to exceed \$75,000, including reimbursables, and be it further,

RESOLVED, that the fee allocation be taken from Project 445, Fund 441, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller and one copy to the Department of Parks & Recreation. (6-0) Chairman Swanick present as Ex-Officio Member.

14. Item Page -2003 (Comm. 13E-47)
COUNTY EXECUTIVE

WHEREAS, in Comm. No. 12E-20 [c], dated July 5, 2001, authorization was received to enter into contract with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, including assigning the Erie County Correctional Facility, the Erie County Holding Center, 1500 Broadway, and 608 William Street to Siemens Building Technologies, Inc, and

WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, reasonable Energy Conservation Measures were found during the preliminary energy audit and a construction program is proposed, and

WHEREAS, the cost of the construction to implement the Energy Conservation Measures is estimated at approximately \$2,850,000 with energy savings estimated at an average of almost \$250,000 per year over the fifteen-year program, and

WHEREAS, the Commissioner of Public Works recommends acceptance of the program and the construction be implemented,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractor, Siemens Building Technologies, to perform the Energy Conservation Measures Program derived from their preliminary energy audit pending approval of the bond resolution presently before your Honorable Body, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Division of Budget Management & Finance, and the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

15. Item Page -2003 (Comm. 13E-48)

COUNTY EXECUTIVE

WHEREAS, the 2003 Road/Bridge and Culvert Program, along with the Federal Aid Program, is the largest in the history of the Department of Public Works, and

WHEREAS, the Commissioner of Public Works, Division of Highways, needs to advance various agreements with the New York State Department of Transportation and local municipalities for the purpose of design, construction, right-of-way acquisition, or accepting funding on the numerous ongoing projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into various agreements, as necessary, with the New York State Department of Transportation or with local municipalities for the purpose of advancing design, construction, right-of-way acquisition, or accepting funding on various projects, and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Deputy Commissioner, Highways, and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

16. Item Page -2003 (Comm. 13E-50)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the New Secure Youth Detention Facility on April 11, 2002 and June 14, 2002, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in the amount of \$11,564,788, and

WHEREAS, to progress the work, a watertight roof vapor barrier material enclosure was required during late fall construction and other miscellaneous unforeseen conditions occurred, and

WHEREAS, the additional work was necessary to continue interior construction during the winter months, and

WHEREAS, the construction contingency fund needs to be reimbursed for the cost of this work,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$165,000 to a new total amount of \$747,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Urban Engineers, Inc. (formerly Olson & Terzian, P.C.) for additional site design work to complete the project in an amount of \$70,000, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Ciminelli-Cowper for additional reimbursables to complete the project in the amount of \$35,000, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the New Secure Youth Detention Facility, Project 806, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Comptroller's Office; and one copy to Budget Management & Finance.

(6-0) Chairman Swanick present as Ex-Officio Member.

17. Item Page -2003 (Comm. 13E-51)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works has a General Architectural/Engineering Agreement with the firm of Urban Engineers (formerly Olson & Terzian, P.C.) for providing architectural and engineering services, and

WHEREAS, a new addition to the Fire Training Academy was recently completed, and

WHEREAS, renovations to the existing parking lot, lighting and security improvements and sitework is now required,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Urban Engineers' General Engineering Agreement for providing engineering services for an amount not to exceed \$35,000, including reimbursables, and be it further,

RESOLVED, that O'Connell Electric, the Phase I contractor, be issued a change order in the amount of \$50,000 to provide the lighting for the sitework renovations, and be it further,

RESOLVED, that the existing contingency for Phase I be increased by \$50,000 to cover the cost for the site lighting, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from Project 260, Fund 441, in an amount not to exceed \$85,000, including reimbursables, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Comptroller's Office.

(6-0) Chairman Swanick present as Ex-Officio Member.

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COUNTY EXECUTIVE

WHEREAS, bids will be taken for the Emery Park Waterline, and

WHEREAS, the Erie County Legislature will be in summer recess at the time of the bid opening, and

WHEREAS, it is essential to progress this work and take advantage of the best weather conditions in order to complete the project as soon as possible,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract with the lowest responsible bidder, in an amount not to exceed \$780,000, and be it further,

RESOLVED, that the construction contingency fund be allocated in the amount of \$47,000 with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Donald Gallo, P.E., for construction management services during the Construction Phase, for an amount not to exceed \$48,000, including reimbursables, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office is authorized to make payments from the following accounts:

2001 Emery Park Waterline, Project 201, Fund 410, in the amount of \$5,500

2002 Emery Park Waterline, Project 303, Fund 410, in the amount of \$371,500

and 2003 Emery Park Waterline, Project 425, Fund 410, in the amount of \$500,000

and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Department of Parks & Recreation.

(6-0) Chairman Swanick present as Ex-Officio Member.

MICHAEL H. RANZENHOFER
CHAIRMAN